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09/914,733	12/17/2001	Alan Bradley Jones	01P104	2397
466 7590 03/09/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER NASH, LASHANYA RENEE	
			ART UNIT 2153	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/914,733

Applicant(s)

JONES ET AL.

Examiner

LaShanya R. Nash

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5, 7 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7 and 9-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This action is in response to an Amendment After Final filed 20 February 2007. Claims 1, 5, 7, and 9-23 are presented for further consideration. Claims 2-4, 6 and 8 are cancelled.

### ***Response to Arguments***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Rejections with respect to claim rejections in view of Rassool et al. (US Patent 7,043,473) are withdrawn (see REMARKS, page 14). However, upon further consideration a new grounds of rejection is made in view of a newly found prior art reference Theriault et al. (US Patent 6,049,821), as set forth below in the Office action.

Applicant's arguments have been fully considered but they are not persuasive.

In considering the Applicant's arguments the following remarks are noted:

- (I) Applicant contends that the proxy server taught by Russell-Falla is a software module of the client computer program, and intercepts a target page, which has been downloaded to a user computer.

In considering (I), Applicant contends that the proxy server taught by Russell-Falla is a software module of the client computer program, and intercepts a target page,

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which has been downloaded to a user computer. Examiner respectfully disagrees.

Examiner asserts that Russell-Falla explicitly discloses the aforementioned blocking software is employed on a proxy server (Figure 1-item 10), located upstream from a client in order to analyze transmitted information prior to the downloading and subsequent displaying on the client via a web browser (column 4, line 65-column 5, line 12). However, in order to clearly teach the limitations Examiner applies the newly found prior art reference, Theriault, to evidence the obviousness of a proxy server located away from the client employed to capture network packets prior to reaching the remote user communication terminal. As a result, Examiner maintains rejections as set forth below in the Office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5, 7, 9-14, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla et al. (US Patent 6,266,664), in view of Theriault et al. (US Patent 6,049,821) hereinafter referred to as Russell-Falla and Theriault.**

In reference to claim 1, Russell-Falla discloses a method and system for scanning, analyzing, and rating digital content to accurately identify instances of that

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category within a real-time data stream (abstract; column 2, lines 49-56). Russell-Fall explicitly discloses:

- An apparatus (i.e. proxy server; Figure 1-item 10; column 4, lines 45-column 5, line 5) for classifying information transmitted over a communication network (i.e. Internet; column 1, line 38- column 2, line 10) into content category classifications (i.e. specific category of information; column 5, lines 5-35), the apparatus comprises:
- A means for (i.e. proxy server) capturing network packets one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70) from an information supplying communication terminal towards a remote user communication terminal on a path of the communications network (i.e. intercepting content in real time data stream; column 2, lines 49-52; column 4, line 67-column 5, line 3; column 6, lines 3-64) said one or more transmission interaction characteristics including at least one of a network protocol, data and time stamps, size of text and image transmission activities, (i.e. expressions of words and phrases; column 6, lines 35-48), and variations in content patterns within of the transmission; and
- Analyzing means arranged to compare an of the interaction characteristics with corresponding interaction characteristics of known information contained in a list of predetermined content category classifications of information (Figure 1-items 30, 34; column 5, lines 3-20),

- and having a statistical modeling arrangement (i.e. rating; column 5, lines 20-35) for predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37) the content category classification prediction being free of any user input and free of any relevancy as to a particular user (i.e. prediction information accumulated over a large set of training data; column 6, lines 49-65),
- wherein the apparatus is arranged to respond to the predicted content category classification of the captured interaction characteristics provided by the analyzing means to prevent the captured packets of any interaction characteristics with a predicted classification listed as undesirable from being forwarded along the path to the remote user communications terminal (column 6, lines 3-35).

Although Russell-Falla discloses substantial features of the claimed invention, the reference fails to show: the packets being captured prior to the packets reaching the remote terminal; packets of information having at least one image, and the packet containing a network protocol, a network address of the information supplying terminal, and a network address of the remote terminal, and a portion of the information; and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities. Nonetheless, these

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features were well known in the art at the time of invention, as further evidenced by Theriault. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to accordingly modify the apparatus of Russell-Falla.

In an analogous art, Theriault discloses a proxy server employed to controlling access to information that is potentially undesirable to the user (abstract). Theriault discloses: packets being captured prior to the packets reaching the remote terminal (column 3, line 62-column 4, line 9; column 5, lines 11-17); the packets of information having at least one image (column 3, line 66-column 4, line 1), and the packet containing a network protocol (column 14, line 60-column 15, line 7), a network address of the information supplying terminal (i.e. source URL; column 8, lines 3-12; column 15, lines 8-18), and a network address of the remote terminal (i.e. user's IP address; column 9, lines 30-45), and a portion of the information (i.e. modifications based on content; column 15, lines 35-65); and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities (information characteristics; column 5, lines 22-32). One of ordinary skill in the art would have been so motivated to accordingly modify the of apparatus of Russell-Falla so control access to data (i.e. image files) that contains undesirable material users would like to have filter out, thereby reducing the amount of data transferred and associated costs (Theriault; column 3, line 62-column 4, line 9).

In reference to claim 5, Russell-Falla discloses a method and system for scanning, analyzing, and rating digital content so as to potentially block content that is

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unsuitable or harmful to a specific user (abstract; column 2, lines 57-62). Russell-Fall explicitly discloses:

- An apparatus (i.e. proxy server; Figure 1-item 10; column 4, lines 45-column 5, line 5) for classifying user profiles of users accessing information or content servers (i.e. threshold rating based on user; column 3, lines 10-30) transmitted over a communication network (i.e. Internet; column 1, line 38- column 2, line 10) into content category classifications (i.e. specific category of information; column 5, lines 5-35), the apparatus comprises:
- A means for (i.e. proxy server) capturing network packets one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70) from a user communication terminal provided by any one of the content servers towards a remote user communications terminal on a path of the communications network (column 4, line 67-column 5, line 3; column 6, lines 3-64), the capture being prior to the packets reaching the remote terminal (i.e. intercepting content in real time data stream; column 2, lines 49-52; column 6, lines 3-9) said one or more transmission interaction characteristics including at least one of a network protocol, data and time stamps, size of text and image transmission activities, (i.e. expressions of words and phrases; column 6, lines 35-48), and variations in content patters within of the transmission; and



- Analyzing means arranged to compare an of the interaction characteristics with corresponding interaction characteristics of known information contained in a list of predetermined content category classifications of information (Figure 1-items 30, 34; column 5, lines 3-20), and having a statistical modeling arrangement (i.e. rating; column 5, lines 20-35) for predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37) the content category classification prediction being free of any user input and free of any relevancy as to a particular user (i.e. prediction information accumulated over a large set of training data; column 6, lines 49-65),
- Means for classifying user profiles in accordance with the predicted content category classification (i.e. user selected threshold level; column 5, lines 35-65);
- wherein the apparatus is arranged to respond to the predicted content category classification of the captured interaction characteristics provided by the analyzing means to prevent the captured packets of any interaction characteristics with a predicted classification listed as undesirable from being forwarded along the path to the remote user communications terminal (column 6, lines 3-35).

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Although Russell-Falla discloses substantial features of the claimed invention, the reference fails to show: the packets being captured prior to the packets reaching the remote terminal; packets of information having at least one image, and the packet containing a network protocol, a network address of the information supplying terminal, and a network address of the remote terminal, and a portion of the information; and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities. Nonetheless, these features were well known in the art at the time of invention, as further evidenced by Theriault. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to accordingly modify the apparatus of Russell-Falla.

In an analogous art, Theriault discloses a proxy server employed to controlling access to information that is potentially undesirable to the user (abstract). Theriault discloses: packets being captured prior to the packets reaching the remote terminal (column 3, line 62-column 4, line 9;column 5, lines 11-17); the packets of information having at least one image (column 3, line 66-column 4, line 1), and the packet containing a network protocol (column 14, line 60-column 15, line 7), a network address of the information supplying terminal (i.e. source URL; column 8, lines 3-12; column 15, lines 8-18), and a network address of the remote terminal (i.e. user's IP address; column 9, lines 30-45), and a portion of the information (i.e. modifications based on content; column 15, lines 35-65) ; and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities (information characteristics; column 5, lines 22-32). One of

ordinary skill in the art would have been so motivated to accordingly modify the of apparatus of Russell-Falla so control access to data (i.e. image files) that contains undesirable material users would like to have filter out, thereby reducing the amount of data transferred and associated costs (Theriault; column 3, line 62-column 4, line 9).

In reference to claim 22, Russell-Falla discloses a method and system for scanning, analyzing, and rating digital content to accurately identify instances of that category within a real-time data stream (abstract; column 2, lines 49-56). Russell-Fall explicitly discloses:

- An apparatus (i.e. proxy server; Figure 1-item 10; column 4, lines 45-column 5, line 5) for classifying information transmitted over a communication network (i.e. Internet; column 1, line 38- column 2, line 10) into content category classifications (i.e. specific category of information; column 5, lines 5-35), the apparatus comprising:
- A capture means for (i.e. proxy server) network packets one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70) from an information supplying communication terminal towards a remote user communication terminal on a path of the communications network (column 4, line 67-column 5, line 3; column 6, lines 3-64), the capture being prior to the packets reaching the remote terminal (i.e. intercepting content in real time data stream; column 2, lines 49-52; column 6, lines 3-

- 9) , captured content of each captured packet including: and contained text content (i.e. textual portions of the page; column 5, lines 3- 8);
- Characteristic obtaining means obtaining a transmission characteristic based on the content of the captured packets, the obtained transmission characteristics including at least one of data and time stamps, size of text and image transmission activities, (i.e. expressions of words and phrases; column 6, lines 35-48), and variations in content patterns within of the transmission (i.e. expressions of words and phrases; column 6, lines 35-48);
  - Analyzing means arranged to compare an of the interaction characteristics with corresponding interaction characteristics of known information contained in a list of predetermined content category classifications of information (Figure 1-items 30, 34; column 5, lines 3-20), and having a statistical modeling arrangement (i.e. rating; column 5, lines 20-35) for predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37) the content category classification prediction being free of any user input and free of any relevancy as to a particular user (i.e. prediction information accumulated over a large set of training data; column 6, lines 49-65),

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- wherein the apparatus is arranged to respond to the predicted content category classification of the captured interaction characteristics provided by the analyzing means to prevent the captured packets of any interaction characteristics with a predicted classification listed as undesirable from being forwarded along the path to the remote user communications terminal (column 6, lines 3-35).

Although Russell-Falla discloses substantial features of the claimed invention, the reference fails to show the packets being captured prior to the packets reaching the remote terminal; packets of information having at least one image, and the packet containing a network protocol, a network address of the information supplying terminal, and a network address of the remote terminal, and a portion of the information; and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities. Nonetheless, these features were well known in the art at the time of invention, as further evidenced by Theriault. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to accordingly modify the apparatus of Russell-Falla.

In an analogous art, Theriault discloses a proxy server employed to controlling access to information that is potentially undesirable to the user (abstract). Theriault discloses packets being captured prior to the packets reaching the remote terminal (column 3, line 62-column 4, line 9;column 5, lines 11-17); the packets of information having at least one image (column 3, line 66-column 4, line 1), and the packet containing a network protocol (column 14, line 60-column 15, line 7), a network

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address of the information supplying terminal (i.e. source URL; column 8, lines 3-12; column 15, lines 8-18), and a network address of the remote terminal (i.e. user's IP address; column 9, lines 30-45), and a portion of the information (i.e. modifications based on content; column 15, lines 35-65) ; and the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities (information characteristics; column 5, lines 22-32). One of ordinary skill in the art would have been so motivated to accordingly modify the of apparatus of Russell-Falla so control access to data (i.e. image files) that contains undesirable material users would like to have filter out, thereby reducing the amount of data transferred and associated costs (Theriault; column 3, line 62-column 4, line 9).

In reference to claim 7, Russell-Falla shows the apparatus further comprising means for (i.e. database; Figure 4-item 110) storing the one or more transmission interaction characteristics, (column 7, lines 38-45).

In reference to claim 9, Russell-Falla shows the apparatus wherein the one or more transmission characteristics are obtained from network packets or fragments thereof, (i.e. content in real time data stream; column 2, lines 49-52; column 6, lines 38-48).

In reference to claim 10, Russell-Falla shows the apparatus wherein the analyzing means includes profiling means for providing profiles (i.e. collection of training

pages) of interactions based on the one or more transmission interaction characteristics, (column 6, lines 49-65).

In reference to claim 11, Russell-Falla shows the apparatus wherein the profiling means is arranged to process the one or more transmission interaction characteristics for providing any one or more of: a frequency of interaction; a duration of interaction; a duration of absence of interaction; patterns of transmission; an average number of http links within an object of related sites; an average number of link sites visited within a time frame for forming interaction profiles (i.e. statistics from frequency of occurrence; column 6, line 67-column 7, line 29); and wherein the analyzing means is adapted to use the interaction profiles for predicting classifications, (i.e. statistics used to determine target attribute set for predicting a category; column 7, lines 30-60).

In reference to claim 12, Russell-Falla shows the apparatus further comprising a knowledge base of predetermined profiles (pre-existing database; column 5, lines 5-12), and analyzing means is adapted to predict a classification based on a comparison between the profile of information to be classified and predetermined profiles, (i.e. match; column 5, lines 13-20; column 7, lines 19-29).

In reference to claim 13, Russell-Falla shows the apparatus further comprising means for updating the knowledge base so that the classification prediction

can be enhanced following classifications, (i.e. as number of training pages increases, the accuracy of weighting data improves; column 7, lines 1-8; column 7, lines 38-60).

In reference to claims 15-19 and 20-21 Russell-Falla shows the apparatus wherein the capturing means capturing from each packet the transmission interaction characteristics including each of the date and time stamp, the variations in content patterns within the packets of transmission (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37), and the analyzing means compares each of the captured interaction characteristics obtained with the corresponding interaction characteristics of the known information contained in the list of predetermined content category classifications of information and predicts the content category classification of the unknown information based on the comparisons (column 5, lines 3-35) as undesirable content to be prevented from being forwarded to the remote user communications terminal (column 6, lines 3-36); and

Therault shows the one or more transmission interaction characteristics including size of image transmission activities, ratio of image to text transmission activities (column 5, lines 23-33) the content classification of the unknown information based on the comparisons as undesirable image content (i.e. retrieved content compared to filter; column 8, lines 38-67).



In reference to claim 23, Theriault discloses that the apparatus wherein the content category classification prediction is free of any user input and free of any relevancy as to a particular user, (i.e. non user definable filtering services; column 9, lines 14-29).

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla and Theriault as applied to claim 1 above, and further in view of Baker et al. (US Patent 5,678,041), hereinafter referred to as Baker.**

In reference to claim 14, Russell-Falla and Theriault show the apparatus wherein the communication terminals including at least one content server and at least one user communication terminal and the packets of information are intended for transmitted from the content server to the user communication terminal (i.e. web delivery system; column 1, line 65-column 2, line 10; column 6, lines 3-9), and classifying according to the classification predicted by the analyzing means (column 2, lines 39-62). Although the reference discloses classifying web pages (i.e. GOOD or BAD; column 7, lines 15-20), Russell-Falla and Theriault fail to expressly show classifying content servers that provide those aforementioned classified pages. Nonetheless, it would have been obvious to accordingly modify the apparatus, as disclosed by Russell-Falla and Theriault, for one of ordinary skill in the art at the time of invention as further evidenced by Baker.

In an analogous art Baker discloses classifying (i.e. rating) content servers (i.e. uniform resource locators) in order to regulate network information that is subsequently accessed by users (column 3, lines 6-33; column 5, lines 65 to column 6, line 23; Figure 1-item 116; Figure 2-item 202). Given this feature a person of ordinary skill in the art

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would have readily recognized the advantages of modifying the aforementioned apparatus as disclosed by Russell-Falla and Theriault, in order to selectively control network (i.e. Internet) access without impairing the users ability to communicate with servers via the network, (column 2, lines 63 to column 3, line 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
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March 6, 2007



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